

Notice of Allowability	Application No.	Applicant(s)	
	09/617,590	YE ET AL.	
	Examiner	Art Unit	
	Christopher R. Buchanan	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed November 21, 2006.
2. ☒ The allowed claim(s) is/are 3-6 and 9-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|--|

Allowable Subject Matter

1. Claims 3-6 and 9-36 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art, Hanagan et al. (US 2001/0056362), teaches a computer implemented method and system embodied in a computer readable medium for rating a billing event in a real time accounting system with the steps of receiving a billing event for an account (via customer billing manager 18), retrieving current usage information for the account (event rater and pricer ERP 16), and rating the billing event upon receiving the event, according to the billing event, the current usage information, and a usage dependent rating scheme (as disclosed in box 0079).

Regarding claim 5, Hanagan lacks the teaching of determining a current tier reservoir that is a distance to a next step point on a rating curve, comparing the event quantity to the current tier reservoir, and if the event quantity is less than the tier reservoir, adjusting an account balance responsive to the current tier and the event quantity. Regarding claim 6, Hanagan lacks the teaching of determining a current tier reservoir and if the event quantity is not less than the tier reservoir performing: calculating a portion cost for a portion of the event quantity equal to the current tier reservoir, adjusting an account balance by the portion cost, adjusting the remaining event quantity by the current tier reservoir; incrementing the current tier, setting the

current tier reservoir to be a distance to a next step point from the incremented current tier, repeating said steps of calculating, adjusting the account balance, adjusting the remaining event quantity, incrementing and setting until the event quantity is less than the tier reservoir, then performing: calculating a final portion cost of the remaining event quantity responsive to the current tier, and adjusting the account balance by the final portion cost.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The foreign prior art, Haferd (EP 0063402 A1), teaches a method for real-time metering of electricity usage by consumers, wherein a real-time clock and data output means are used for computing and outputting revenue metering quantities.

Regarding claim 5, Haferd lacks the teaching of determining a current tier reservoir that is a distance to a next step point on a rating curve, comparing the event quantity to the current tier reservoir, and if the event quantity is less than the tier reservoir, adjusting an account balance responsive to the current tier and the event quantity. Regarding claim 6, Haferd lacks the teaching of determining a current tier reservoir and if the event quantity is not less than the tier reservoir performing: calculating a portion cost for a portion of the event quantity equal to the current tier reservoir, adjusting an account balance by the portion cost, adjusting the remaining event quantity by the current tier reservoir; incrementing the current tier, setting the current tier reservoir to be a distance to a next step point from the incremented current

Art Unit: 3627

tier, repeating said steps of calculating, adjusting the account balance, adjusting the remaining event quantity, incrementing and setting until the event quantity is less than the tier reservoir, then performing: calculating a final portion cost of the remaining event quantity responsive to the current tier, and adjusting the account balance by the final portion cost.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The non-patent literature, Syverson, *Industrial Maintenance and Plant Operation* article, discloses a system for determining charges for electricity distribution that provides on-line customer access to real-time product availability and customer specific pricing.

Regarding claim 5, the non-patent literature lacks the teaching of determining a current tier reservoir that is a distance to a next step point on a rating curve, comparing the event quantity to the current tier reservoir, and if the event quantity is less than the tier reservoir, adjusting an account balance responsive to the current tier and the event quantity. Regarding claim 6, non-patent literature lacks the teaching of determining a current tier reservoir and if the event quantity is not less than the tier reservoir performing: calculating a portion cost for a portion of the event quantity equal to the current tier reservoir, adjusting an account balance by the portion cost, adjusting the remaining event quantity by the current tier reservoir; incrementing the current tier, setting the current tier reservoir to be a distance to a next step point from the

Art Unit: 3627

incremented current tier, repeating said steps of calculating, adjusting the account balance, adjusting the remaining event quantity, incrementing and setting until the event quantity is less than the tier reservoir, then performing: calculating a final portion cost of the remaining event quantity responsive to the current tier, and adjusting the account balance by the final portion cost.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

Conclusion

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 3/9/02
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER